IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA,	§	
	§	
v.	§	
	§	CASE NUMBER 6:20-CR-00006-JCB-JDL
NARMAND J. BATTLES,	§	
	§	
Defendant.	§	

REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE

On July 6, 2022 the court conducted a hearing to consider the government's petition to revoke the supervised release of Narmand J. Battles. The government was represented by Ryan Locker, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Kenneth Hawk, Federal Public Defender.

Defendant originally pled guilty to the offense of Possession with Intent to Distribute Tramadol, a Class D Felony. The United States Sentencing Guideline range for this offense, based on a total offense level of 12 and a criminal history category of IV, was 21 to 27 months. On March 19, 2021 District Judge Campbell Barker sentenced Defendant to 27 months imprisonment followed by three years of supervised release, subject to the standard conditions of release, plus special conditions to include obtaining a high school equivalency certificate, mental health treatment, and substance abuse testing and treatment. On December 10, 2021, Defendant completed his term of imprisonment and began his term of supervised release.

Under the terms of supervised release, Defendant was required to report to the probation officer as instructed. In Allegation 3 of its petition, the government alleges Defendant violated the conditions of his supervised release when he failed to submit a monthly report form in January and February 2022 and when he failed to report to the U.S. Probation Office as directed on February

22, 2022. If the court finds by a preponderance of the evidence that Defendant violated the conditions of supervised release by failing to submit two monthly report forms and failing to report to the probation office as directed, Defendant will have committed a Grade C violation. U.S.S.G. § 7B1.1(a). Upon a finding of a Grade C violation, the court may revoke the term of supervision. U.S.S.G. § 7B1.3(a)(2). Considering Defendant's criminal history category of IV, the Guideline imprisonment range for a Grade C violation is 6 to 12 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated that they had come to an agreement to resolve the petition whereby Defendant would plead true to violating the conditions of supervision by committing the acts as alleged in Allegation 3 of the government's petition. In exchange, the government agreed to recommend to the court a sentence of 12 months imprisonment, with no supervised release to follow.

The court therefore **RECOMMENDS** that Defendant Narmand Battles' plea of true be accepted and he be sentenced to a term of 12 months imprisonment, with no supervised release to follow. The court further **RECOMMENDS** that Defendant serve his sentence at Seagoville, if available. The parties waived their right to objections so this matter shall be immediately presented to the District Judge for consideration.

_____
JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE
So signed on
Jul 7, 2022